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PATENT  
Attorney Docket No. BSC-253C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Gellman CONFIRMATION NO.: Not Yet Assigned  
SERIAL NO.: 10/811,196 GROUP NO.: Not Yet Assigned  
FILING DATE: March 26, 2004 EXAMINER: Not Yet Assigned  
TITLE: MALE URETHRAL STENT DEVICE

**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 7th day of June, 2004.

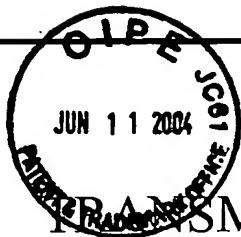
  
Sandra Allen

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is/are:

1. Transmittal Form (1 pg);
2. Supplemental Information Disclosure Statement (3 pgs);
3. Form PTO-1449 (9 pgs);
4. Copies for Cited References labeled B3-B25 and C2; and a
5. Return Receipt Postcard.



PATENT TRANSMITTAL  
FORM

Application Serial Number	10/811,196
Filing Date	March 26, 2004
First Named Inventor	Gellman
Group Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket No.	BSC-253C1
Patent No.	Not applicable
Issue Date	Not applicable

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences
<input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets _____]	<input type="checkbox"/> Formal Drawing(s)	<input type="checkbox"/> Appeal Brief (in triplicate)
<input type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal	<input type="checkbox"/> Status Inquiry
<input checked="" type="checkbox"/> Supplemental Information Disclosure Statement (3 pgs) <input checked="" type="checkbox"/> Form PTO-1449 (9 pgs) <input checked="" type="checkbox"/> Copies of IDS Citations (B3-B25 and C2)	<input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)	<input checked="" type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 (1 pg)
<input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application	<input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8
	<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> Additional Enclosure(s) (please identify below)
	<input type="checkbox"/> CD(s) for large table or computer program	
	<input type="checkbox"/> Amendment After Allowance	
	<input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	

CORRESPONDENCE ADDRESS

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Boston, MA 02110  
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SIGNATURE BLOCK

Respectfully submitted,  
  
Date: June 7, 2004  
Reg. No. 55,728  
Tel. No.: (617) 310-8078  
Fax No.: (617) 248-7100  
Carolyn E. Whyte  
Attorney for the Applicant  
Testa, Hurwitz & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110



PATENT  
Attorney Docket No. BSC-253C1

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Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the references labeled B3-B25 and C2 are enclosed.

It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

In addition, Applicants wish to inform the Examiner about the following commonly-owned, co-pending patent applications, including all cited references and Office actions issued therein:

U.S. Serial Number	Filing Date	Inventor Name
09/733,752	December 8, 2000	Hammond et al.
09/862,270	May 22, 2001	Rioux et al.
09/935,487	August 23, 2001	Rioux et al.
09/961,129	September 21, 2001	Reever
10/397,502	March 26, 2003	Deal
10/400,200	March 26, 2003	Rioux et al.
10/424,621	April 28, 2003	Li
10/434,756	May 9, 2003	Gellman et al.

### REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

- ☒ (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
- ☐ (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and
- ☐ the requisite Statement is below, **OR**
- ☐ the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein, or
- ☐ (3) after the mailing date of a **final action** or **notice of allowance** but before the payment of the **issue fee**, **AND**
- ☐ the requisite Statement is below, **AND**
- ☐ the requisite petition fee under 37 C.F.R. 1.17(p), namely **\$180.00** is included herein.

It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

### STATEMENT

As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required]:

- ☐ 1. Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application **not more than three months** prior to the filing of the Information Disclosure Statement; or
- ☐ 2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after

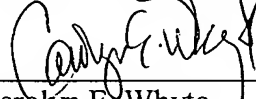
making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any individual** designated in 37 C.F.R. 1.56(c) **more than three months** prior to the filing of the Information Disclosure Statement.

Date: June 7, 2004  
Reg. No. 55,728

Tel. No.: (617) 310-8078  
Fax No.: (617) 248-7100

3071905

Respectfully submitted,



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Carolyn E. Whyte  
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High Street Tower  
125 High Street  
Boston, Massachusetts 02110



FORM PTO - 1449				ATTORNEY DOCKET NO.: BSC-253C1			
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT				APPLICANTS: Gellman			
				SERIAL NO.: 10/811,196			
				FILING DATE: March 26, 2004 GROUP: Not Yet Assigned			
U.S. PATENT DOCUMENTS							
EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	A16	3,527,226	09/08/70	Hakim et al			
	A17	3,657,744	04/25/72	Ersek			
	A18	3,923,066	12/02/75	Francisoud et al.			
	A19	3,938,529	02/17/76	Gibbons			
	A20	4,154,242	05/1979	Termanini			
	A21	4,156,067	05/22/79	Gould			
	A22	4,240,434	12/23/80	Newkirk			
	A23	4,307,723	12/29/81	Finney			
	A24	4,423,725	03/03/84	Baran et al			
	A25	4,627,838	12/1986	Cross et al.			
	A26	4,655,771	04/07/87	Wallsten			
	A27	4,660,560	04/28/87	Klein			
	A28	4,713,049	12/15/87	Carter			
	A29	4,732,152	03/22/88	Wallsten et al.			
	A30	4,768,507	09/06/88	Fischell et al			
	A31	4,771,773	09/20/88	Kropf et al.			
	A32	4,813,429	03/21/89	Eshel et al.			
	A33	4,895,566	01/23/90	Lee			
	A34	4,931,037	06/05/90	Wetterman			
	A35	4,932,938	06/12/90	Goldberg et al			
	A36	4,954,126	09/04/90	Wallsten			
	A37	4,955,859	09/11/90	Zilber			
	A38	4,973,301	11/27/90	Nissenkorn			
	A39	4,990,155	02/05/91	Wilkoff			
EXAMINER				DATE CONSIDERED			

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EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	A40	4,994,066	02/19/91	Voss			
	A41	4,995,868	02/26/91	Brazier			
	A42	5,026,377	06/25/91	Burton et al.			
	A43	5,037,427	08/06/91	Harada et al.			
	A44	5,041,092	8/20/91	Barwick			
	A45	5,061,275	10/29/91	Wallsten et al.			
	A46	5,078,720	01/07/92	Burton et al.			
	A47	5,087,252	02/11/92	Denard			
	A48	5,116,309	05/26/92	Coll			
	A49	5,122,154	06/16/92	Rhodes			
	A50	5,147,370	09/15/92	McNamara et al.			
	A51	5,160,341	11/03/92	Brenneman et al			
	A52	5,167,614	12/01/92	Tessmann et al.			
	A53	5,176,625	01/05/93	Brisson			
	A54	5,176,626	01/05/93	Soehendra			
	A55	5,183,085	02/02/93	Timmermans			
	A56	5,195,989	03/23/93	Euteneuer			
	A57	5,217,451	06/1993	Freitas			
	A58	5,220,927	06/22/93	Astrahan et al.			
	A59	5,222,971	06/29/93	Willard et al			
	A60	5,224,953	07/06/93	Morgentaler			
	A61	5,234,456	08/10/93	Silvestrini			
	A62	5,258,020	11/02/93	Froix			
	A63	5,269,802	12/14/93	Garber			
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EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	A64	5,282,784	02/01/94	Willard			
	A65	5,282,823	02/01/94	Schwartz et al			
	A66	5,286,254	02/15/94	Shapland et al			
	A67	5,292,315	03/08/94	Euteneuer			
	A68	5,300,022	04/05/94	Klapper et al.			
	A69	5,304,121	04/19/94	Sahatjian			
	A70	5,316,016	05/31/94	Adams et al			
	A71	5,322,501	06/21/94	Mahmud-Durrani			
	A72	5,342,348	08/30/94	Kaplan			
	A73	5,344,395	09/06/94	Whalen et al			
	A74	5,352,198	10/4/94	Goldenberg et al.			
	A75	5,354,263	10/11/94	Coll			
	A76	5,356,423	10/18/94	Tihon et al.			
	A77	5,364,340	11/15/94	Coll			
	A78	5,372,600	12/13/94	Beyar et al.			
	A79	5,391,196	02/21/95	Devonec			
	A80	5,409,460	04/1995	Krumme			
	A81	5,419,760	05/30/95	Narciso, Jr.			
	A82	5,421,955	06/06/95	Lau et al			
	A83	5,429,634	07/04/95	Narciso, Jr.			
	A84	5,441,515	08/15/95	Khosravi et al			
	A85	5,441,516	08/15/95	Wang et al			
	A86	5,456,667	10/1995	Ham et al.			
	A87	5,464,650	11/07/95	Berg et al			
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U.S. PATENT DOCUMENTS							
EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	A88	5,496,277	03/05/96	Termin et al			
	A89	5,499,994	03/19/96	Tihon et al			
	A90	5,514,176	05/07/96	Bosley Jr.			
	A91	5,514,669	05/07/96	Selman			
	A92	5,520,697	05/28/96	Lindenberg et al.			
	A93	5,536,242	07/16/96	Willard et al			
	A94	5,545,208	08/13/96	Wolff et al			
	A95	5,545,211	08/13/96	An et al.			
	A96	5,549,559	08/27/96	Eshel			
	A97	5,549,595	08/1996	Freitas			
	A98	5,554,181	09/10/96	Das			
	A99	5,556,413	09/17/96	Lam			
	A100	5,562,622	10/02/96	Tihon			
	A101	5,584,872	12/17/96	LaFontaine et al			
	A102	5,588,965	12/31/96	Burton et al			
	A103	5,593,403	01/14/97	Buscemi			
	A104	5,599,306	02/04/97	Klein et al			
	A105	5,601,591	02/11/97	Edwards et al			
	A106	5,609,583	03/11/97	Hakki et al.			
	A107	5,609,629	03/11/97	Fearnot et al			
	A108	5,618,299	04/08/97	Khosravi et al			
	A109	5,626,562	05/06/97	Castro			
	A110	5,653,684	08/1997	Laptewicz			
	A111	5,667,486	09/16/97	Mikulich et al.			
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	A112	5,667,490	09/16/97	Keith et al			
	A113	5,674,241	10/07/97	Bley et al.			
	A114	5,676,693	10/14/97	LaFontaine			
	A115	5,702,361	12/30/97	Evans et al			
	A116	5,702,419	12/30/97	Berry et al			
	A117	5,723,003	03/03/98	Winston et al			
	A118	5,725,549	03/10/98	Lam			
	A119	5,733,303	03/31/98	Israel et al			
	A120	5,738,654	04/14/98	Tihon			
	A121	5,766,238	06/16/98	Lau et al			
	A122	5,772,668	06/30/98	Summers et al.			
	A123	5,776,142	07/07/98	Gunderson			
	A124	5,776,161	07/07/98	Globerman			
	A125	5,782,838	07/21/98	Beyar et al			
	A126	5,792,400	08/11/98	Talja et al.			
	A127	5,797,952	08/25/98	Klein			
	A128	5,817,102	10/06/98	Johnson et al.			
	A129	5,824,037	10/20/98	Bogarty et al			
	A130	5,824,038	10/20/98	Wall			
	A131	5,830,179	11/03/98	Mikus et al.			
	A132	5,833,707	11/10/98	McIntyre et al.			
	A133	5,843,103	12/01/98	Wulfman			
	A134	5,865,815	02/02/99	Tihon			
	A135	5,876,417	03/02/99	Devonec et al.			
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	A136	5,876,445	03/02/99	Andersen et al			
	A137	5,888,201	03/30/99	Stinson et al			
	A138	5,902,317	07/11/99	Kleshinski et al.			
	A139	5,902,328	05/11/99	LaFontaine et al.			
	A140	5,911,752	06/15/99	Dustrude et al			
	A141	5,916,195	06/29/99	Eshel et al.			
	A142	5,916,227	06/29/99	Keith et al.			
	A143	5,928,208	07/27/99	Chu et al.			
	A144	5,928,217	07/27/99	Mikus et al.			
	A145	5,938,670	08/17/99	Keith et al.			
	A146	5,957,929	09/28/99	Brenneman			
	A147	5,964,732	10/12/99	Willard			
	A148	5,964,744	10/12/99	Balbierz et al			
	A149	5,964,771	10/12/99	Beyar et al.			
	A150	5,976,165	11/02/99	Ball et al			
	A151	5,980,550	11/09/99	Eder et al			
	A152	6,001,117	12/14/99	Huxel et al			
	A153	6,004,328	12/21/99	Solar			
	A154	6,017,977	01/25/00	Evans et al			
	A155	6,019,779	02/01/00	Thorud et al.			
	A156	6,022,312	02/08/00	Chaussy et al.			
	A157	6,023,638	02/08/00	Swanson			
	A158	6,024,763	02/15/00	Lenker et al			
	A159	6,033,413	03/07/00	Mikus et al.			
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	A160	6,042,606	03/28/00	Frantzen			
	A161	6,047,218	04/04/00	Whayne et al.			
	A162	6,050,949	04/18/00	White et al			
	A163	6,066,167	05/23/00	Lau et al			
	A164	6,066,168	05/23/00	Lau et al			
	A165	6,090,103	07/18/00	Hakky et al			
	A166	6,090,115	07/18/00	Beyar et al			
	A167	6,113,594	09/05/00	Savage			
	A168	6,113,597	09/05/00	Eggers et al			
	A169	6,119,697	09/19/00	Engel et al			
	A170	6,126,667	10/03/00	Barry et al			
	A171	6,132,460	10/17/00	Thompson			
	A172	6,132,461	10/17/00	Thompson			
	A173	6,139,536	10/31/00	Mikus et al.			
	A174	6,146,416	11/14/00	Andersen et al			
	A175	6,152,919	11/28/00	Hakky			
	A176	6,156,064	12/05/00	Chouinard			
	A177	6,162,215	12/19/00	Feng			
	A178	6,162,231	12/19/00	Mikus et al			
	A179	6,165,210	12/26/00	Lau et al.			
	A180	6,174,305	01/16/01	Mikus et al			
	A181	6,176,875	01/23/01	Lenker et al			
	A182	6,179,868	01/30/01	Burpee et al.			
	A183	6,187,015	02/13/01	Brenneman			
EXAMINER				DATE CONSIDERED			

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT	APPLICANTS: Gellman
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## U.S. PATENT DOCUMENTS

EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	A184	6,214,037	04/10/01	Mitchell et al			
	A185	6,221,081	04/24/01	Mikus et al.			
	A186	6,238,430	05/29/01	Klumb et al.			
	A187	6,245,103	06/12/01	Stinson			
	A188	6,254,628	07/03/01	Wallace et al.			
	A189	6,258,115	07/10/01	Dubrui			
	A190	6,299,636	10/09/01	Schmitt et al.			
	A191	6,334,866	01/01/02	Wall			
	A192	6,355,061	03/12/02	Quiachon et al.			
	A193	6,355,070	03/12/02	Andersen et al.			
	A194	6,371,979	04/16/02	Beyar et al.			
	A195	6,494,879	12/17/02	Lennox et al.			
	A196	2002/0107540	08/08/02	Whalen et al.			

## FOREIGN PATENT DOCUMENTS

EXAM. INIT.		DOCUMENT NUMBER	DATE	COUNTRY CODE	CLASS	SUB CLASS	FILING DATE	ABSTRACT ONLY	ENGLISH LANG Y/N
	B3	0 543 309 A1	11/16/92	EP			11/19/91	No	N (only Abstract in English)
	B4	0 935 977 A3	08/25/99	EP			02/04/99	No	Y
	B5	EP 0 274 846	07/20/88	EP			12/01/87	No	Y
	B6	EP 0 341 988	11/15/89	EP			05/09/89	No	Y
	B7	WO 80/01460	07/24/80	WO			01/03/80	No	Y
	B8	WO 89/03232	04/20/89	WO			10/07/88	No	Y
	B9	WO 91/16005	10/31/91	WO			04/19/91	No	Y

EXAMINER

DATE CONSIDERED

FORM PTO - 1449				ATTORNEY DOCKET NO.: BSC-253C1					
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT				APPLICANTS: Gellman					
				SERIAL NO.: 10/811,196					
				FILING DATE: March 26, 2004 GROUP: Not Yet Assigned					
FOREIGN PATENT DOCUMENTS									
EXAM. INIT.		DOCUMENT NUMBER	DATE	COUNTRY CODE	CLASS	SUB CLASS	FILING DATE	ABSTRACT ONLY	ENGLISH LANG Y/N
	B10	WO 96/23449	08/08/96	WO			01/30/96	No	Y
	B11	WO 99/23952	5/20/99	WO			11/11/98	N	Y
	B12	WO 00/15130	03/23/00	WO			09/07/99	No	Y
	B13	WO 00/16005	03/23/00	WO			09/15/99	No	N (only Abstract in English)
	B14	WO 00/18907	04/06/00	WO			09/21/99	No	N (only Abstract in English)
	B15	WO 00/19926	04/13/00	WO			10/05/99	N	Y
	B16	WO 00/21462	04/20/00	WO			10/12/99	N	Y
	B17	WO 00/51521	09/08/00	WO			03/01/00	N	Y
	B18	WO 00/56247	09/28/00	WO			03/19/99	N	Y
	B19	WO 00/59558	10/12/00	WO			03/31/00	N	Y
	B20	WO 00/69367	11/23/00	WO			05/12/00	N	Y
	B21	WO 00/69498	11/23/00	WO			03/17/00	N	Y
	B22	WO 00/76425	12/21/00	WO			6/14/00	N	Y
	B23	WO 01/10345	02/15/01	WO			07/29/00	N	Y
	B24	WO 01/56629	08/09/01	PCT			01/30/01	N	Y
	B25	WO 02/05841	08/01/02	WO			01/23/02	N	Y
OTHER ART, JOURNAL ARTICLES, ETC.									
EXAM. INIT.	OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)								
	C2	Duerig et al.; "An Overview of Superelastic Stent Design"; © 2000 Isis Medical Media Ltd.; (pgs. 235-246).							
EXAMINER					DATE CONSIDERED				